

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

RENITA FOSTER,

Plaintiff,

No. 05-CV-74656-DT

vs.

Hon. Gerald E. Rosen

GEORGE CUSHINGBERRY,  
ED HARRIS and GENESIS TITLE INC.,

Defendants.

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ORDER DISMISSING CASE FOR LACK OF PROSECUTION

At a session of said Court, held in  
the U.S. Courthouse, Detroit, Michigan  
on October 25, 2006

PRESENT: Honorable Gerald E. Rosen  
United States District Judge

This action was removed from Wayne County Circuit Court on December 8, 2005 by now-dismissed Defendant Park Place Mortgage.<sup>1</sup> Defendants John Barnes and Latesha Griffin filed appearances on January 11, 2006, and on February 14, 2006, Plaintiff stipulated to their dismissal. *See* Docket Nos. 11, 14 and 15. The matter is presently before the Court pursuant to an Order to Show Cause, entered on July 31, 2006, directing Plaintiff to show cause in writing why this case should not be dismissed as to Defendants George Cushingberry, Ed Harris, and Genesis Title, Inc., the only remaining defendants in this action. Plaintiff responded to the show cause order on August 14, 2006 stating only that she believed that these defendants “made an appearance in this Court,” and asked that the Court

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<sup>1</sup> Park Place Mortgage was dismissed by stipulated order on January 20, 2006.

issue a scheduling order. Contrary to Plaintiff's belief, however, no appearance or responsive pleading was ever filed by, or on behalf of, Defendants Cushingberry, Harris or Genesis Title.

Plaintiff having failed to show good cause why this case should not be dismissed for lack of prosecution,

IT IS HEREBY ORDERED that, pursuant to Fed. R. Civ. Pro. 4(j), this action be, and, hereby is, DISMISSED without prejudice.

s/Gerald E. Rosen  
Gerald E. Rosen  
United States District Judge

Dated: October 25, 2006

I hereby certify that a copy of the foregoing document was served upon counsel of record on October 25, 2006, by electronic and/or ordinary mail.

s/LaShawn R. Saulsberry  
Case Manager